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EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 SECURITIES AND EXCHANGE)
5 COMMISSION)
6)
7 VS.) CIVIL ACTION
8) FILE NO. 1:12-CV-2296-TCB
9)
10) OCTOBER 21, 2014
11 AUBREY LEE PRICE; ET AL.) 10:40 A.M.
12) ATLANTA, GEORGIA
13 DEFENDANT,)
14)

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17 TRANSCRIPT OF MOTIONS HEARING
18 BEFORE THE HONORABLE TIMOTHY C. BATTEN, SR.
19 UNITED STATES DISTRICT JUDGE

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23 APPEARANCES:

24 FOR THE INTERVENOR PLAINTIFFS: RAUL CUERVO
25 ALEXANDER FEINBERG
 DAVID FORESTNER
 CHARLES KITCHEN
 ATTORNEYS AT LAW

26 FOR THE RECEIVER M. DAMIAN: JASON MAZER
27 ATTORNEY AT LAW

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29
30 LORI BURGESS, OFFICIAL COURT REPORTER
31 (404) 215-1528

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33 PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
34 PRODUCED BY CAT.

1 THE COURT: GOOD MORNING. WELL, IT SEEMS THAT
2 DISCOVERY HAS STALLED A LITTLE BIT IN THIS CASE BECAUSE THE
3 DEFENDANTS -- I GUESS THE PLAINTIFFS, THE INTERVENOR
4 PLAINTIFFS, FEEL THAT THERE IS REALLY NO NEED FOR DISCOVERY,
5 THEY JUST WANT THEIR DAMNED MONEY BACK. AND THE INTERVENOR
6 DEFENDANT RECEIVER DISAGREES WITH THIS, AND SAYS THAT UNDER
7 GEORGIA'S VOLUNTARY PAYMENT STATUTE THERE ARE RELEVANT
8 INQUIRIES THAT NEED TO BE MADE, AND SO IS NOT GOING DOWN
9 QUIETLY.

10 I AM OF A MINDSET THAT THERE SHOULD BE SOME
11 DISCOVERY, BUT IT SHOULD BE QUITE LIMITED. I THINK THE
12 DISCOVERY SHOULD BE MORE LIMITED THAN WHAT I'VE SEEN HAS
13 BEEN PROPOSED SO FAR IN THE CASE. HAVE Y'ALL HAD ANY
14 DISCUSSIONS TO TRY TO REACH A MEETING OF THE MINDS SOMEWHERE
15 IN THE MIDDLE, LIKE I AM LOOKING FOR?

16 MR. MAZER: WE DID, YOUR HONOR. JASON MAZER FOR
17 THE RECEIVER MELANIE DAMIAN, WHO IS HERE WITH ME IN THE
18 COURTROOM. LET ME START BY SAYING THANK YOU FOR HOSTING US
19 TODAY, BECAUSE WE ARE ALL DELIGHTED TO REPORT THAT WE HAVE
20 MADE SOME HEADWAY AND WE HOPE WE WILL ANSWER ALL OF YOUR
21 CONCERNs ABOUT THE SCOPE OF THE DISCOVERY. SINCE YOU
22 GRACIOUSLY GAVE US YOUR WITNESS ROOM, WE'VE BEEN ABLE TO
23 REACH AN AGREEMENT AS TO THE SCOPE OF THE DEPOSITIONS, IF WE
24 CANNOT DO IT BY STIPULATION. WE ARE GOING TO TRY TO DO IT
25 BY STIPULATION. IF WE CAN'T, WE HAVE LIMITED THE SCOPE OF

1 THE DEPOSITIONS TO, IN SHORTHAND FASHION, JUST THE
2 INVESTIGATION OF THE CLAIM, WHAT THE CARRIER KNEW, AND WHAT
3 IT DID BEFORE IT MADE WHAT THE RECEIVER WOULD CONTEND TO BE
4 A VOLUNTARY PAYMENT.

5 THE COURT: THAT SEEMS ABOUT APPROPRIATE TO ME.

6 MR. MAZER: THANK YOU, YOUR HONOR.

7 THE COURT: ALL RIGHT.

8 MR. CUERVO: YOUR HONOR, I'M RAUL CUERVO WITH
9 GENWORTH LIFE. WE ARE IN AGREEMENT WITH THAT. I THINK SORT
10 OF THE CONCEPT, AS WE DISCUSSED IT, IS THAT THIS LIMITED
11 DISCOVERY WOULD TAKE PLACE, PERHAPS WE WOULD TAKE
12 MS. DAMIAN'S DEPOSITION, PERHAPS THEY WOULD TAKE OUR
13 DEPOSITIONS ON THE LIMITED SCOPE THAT WE DISCUSSED, AND THAT
14 WE WOULD THEN FILE MOTIONS FOR SUMMARY JUDGMENT.

15 IF THE COURT THEN FELT THAT THERE WERE STILL
16 ISSUES OF FACT THAT NEEDED TO BE TRIED, THEN WE WOULD TRY
17 THOSE. THAT IS I THINK THE CONCEPT AS WE SEE IT.

18 THE COURT: ALL RIGHT.

19 MR. KITCHEN: THAT IS RIGHT, YOUR HONOR. DREW
20 KITCHEN ON BEHALF OF PROTECTIVE AND HOUSEHOLD. THE ONLY
21 THING I WOULD ADD IS, AS A RESULT OF OUR AGREEMENT, WE DO
22 THINK THAT WE NEED ADDITIONAL TIME.

23 THE COURT: HOW MUCH MORE TIME DO Y'ALL NEED?

24 MR. KITCHEN: MS. DAMIAN HAS INDICATED SHE IS
25 AVAILABLE THE FIRST OF DECEMBER FOR DEPOSITION, SO THAT WILL

1 TAKE US OUT ABOUT 45 DAYS. SO APPROXIMATELY 45 DAYS
2 EXTENSION OF DISCOVERY, I THINK WE CAN GET ALL OF THE STUFF.

3 THE COURT: ALL RIGHT. THAT IS FINE. WHEN IS THE
4 DISCOVERY PERIOD SET TO EXPIRE NOW?

5 MR. CUERVO: NOVEMBER 3RD.

6 THE COURT: IS CHRISTMAS ON A WEDNESDAY THIS YEAR?

7 MR. KITCHEN: CHRISTMAS ON A THURSDAY.

8 THE COURT: WHY DON'T WE EXTEND IT THROUGH
9 DECEMBER 19TH.

10 MR. KITCHEN: THAT IS GREAT.

11 THE COURT: ALL RIGHT. THE DISCOVERY PERIOD WILL
12 BE EXTENDED THROUGH FRIDAY DECEMBER THE 19TH. AND I AGREE
13 WITH THE NOTION THAT SUMMARY JUDGMENT BRIEFS AND MOTIONS
14 SHOULD BE FILED IN ACCORDANCE WITH THE DEADLINES SET IN THE
15 PRETRIAL OR THE DEADLINES SET IN THE LOCAL RULES AFTER THAT
16 CLOSE OF DISCOVERY. AND IF I FIND THAT IT'S NECESSARY TO
17 HAVE MORE FACTS, I WILL SAY SO IN MY ORDER ON SUMMARY
18 JUDGMENT MOTION, THEN WE WILL RE-OPEN THE DISCOVERY PERIOD
19 TO ALLOW FOR MORE TIME FOR DISCOVERY. ALL RIGHT?

20 MR. MAZER: THANK YOU, YOUR HONOR.

21 MR. KITCHEN: THANK YOU, YOUR HONOR.

22 THE COURT: ANYTHING ELSE?

23 MR. CUERVO: NO, SIR.

24 MR. MAZER: NOT FROM THE RECEIVER.

25 THE COURT: THANK YOU. HAVE A GOOD TRIP HOME.

1 THANK YOU FOR COMING.

2 (END OF HEARING AT 10:56 A.M.)

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4 REPORTER'S CERTIFICATION

5
6 I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT
7 FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

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10 LORI BURGESS
11 OFFICIAL COURT REPORTER
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF GEORGIA

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15 DATE: NOVEMBER 21, 2014

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